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6 Attorneys for Chapter 7 Trustee Richard Marshack

7 UNITED STATES BANKRUPTCY COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 In re:  
11 DUTCHINTS DEVELOPMENT LLC,  
12 Debtor.

Case No. 21-51255-MEH

Chapter 7

**NOTICE AND OPPORTUNITY FOR  
HEARING ON MOTION TO APPROVE  
COMPROMISE WITH OWNERS OF 18500  
AND 18520 MARSHALL LANE,  
SARATOGA, CA**

[No Hearing Unless Timely Requested Under  
Bankruptcy Local Rule 9014-1(B)(3)]

The Honorable M. Elaine Hammond,  
United States Bankruptcy Judge

18 **TO THE DEBTOR, CREDITORS THAT FILED PROOFS OF CLAIM, PARTIES**  
19 **REQUESTING SPECIAL NOTICE AND ANY OTHER INTERESTED PARTIES:**

20 PLEASE TAKE NOTICE that Richard Marshack, trustee ("Trustee") for the Chapter 7  
21 bankruptcy estate of Dutchints Development LLC ( the "Debtor"), is moving (the "Motion"),  
22 Pursuant to Federal Rule of Bankruptcy Procedure 9019, for Approval of a Compromise with John  
23 H. Bellicitti, as Trustee of the John and Monica Bellicitti 2015 Revocable Trust under Trust  
24 Agreement dated July 9, 2015, as amended, FBO John H. Bellicitti, as his sole and separate property,  
25 and as Trustee of the Harry L. Bellicitti Exempt Trust under Trust Agreement dated April 16, 1997,  
26 as amended FBO John H. Bellicitti ("John"); Mary F. Driggs, as Trustee of the Mary F. Driggs 2012  
27 Separate Property Trust under Trust Agreement dated July 17, 2012, as amended, and as Trustee of  
28 the Harry L. Bellicitti Exempt Trust under Trust Agreement dated April 16, 1997, as amended, FBO  
Mary F. Driggs ("Mary"); Robert J. Bellicitti, as Trustee of the Bellicitti 2015 Revocable Trust  
under Trust Agreement dated July 9, 2015, as amended, FBO Robert J. Bellicitti, as his sole and  
separate property, and as Trustee of the Harry L. Bellicitti Exempt Trust under Trust Agreement  
dated April 16, 1997 as amended FBO Robert J. Bellicitti ("Robert"); and Harry L. Bellicitti, Jr., as  
Trustee of The Harry and Carol Ann Bellicitti 2015 Revocable Trust under Trust Agreement dated  
July 8, 2015, as amended, FBO Harry L. Bellicitti, Jr. as his sole and separate property, and as  
Trustee of the Harry L. Bellicitti Exempt Trust under Trust Agreement dated April 16, 1997, as

1 amended, FBO Harry L. Bellicitti, Jr. ("Harry") (collectively, the "Owner"), over that certain  
2 purchase and sale agreement, as amended (the "PSA").

3 By the Motion, the Trustee seeks an order approving a compromise (the "Compromise") with  
4 Owner whereby, among other things: (a) the PSA shall be terminated and rejected; (b) \$145,000 of  
5 the \$160,000 deposit made on October 24, 2018 shall be distributed to the Trustee; (c) the remainder  
6 of the money deposited in connection with the PSA shall be distributed to the Owner; and (d) the  
7 Parties and their affiliates shall release each other to the fullest extent possible.

8 The full particulars of the Compromise are set forth in the Settlement Agreement attached to  
9 the Motion as Exhibit A (the "Agreement"). The proposed order on the Motion, in substantially the  
10 form requested, is attached to the Motion as Exhibit B.

11 The Motion is supported by this Notice and Opportunity for Hearing, the Motion,  
12 Memorandum in Support and its Exhibits, the Declarations of John Bellicitti, and Kailey Wright, the  
13 record in this case, and such further evidence and argument as may be presented at the hearing on  
14 the Motion, if any.

15 Copies of these documents may be downloaded for a fee at [ecf.canb.uscourts.gov](http://ecf.canb.uscourts.gov). Copies  
16 may also be obtained by email request to [khoang@foxrothschild.com](mailto:khoang@foxrothschild.com) and  
17 [jpraetzellis@foxrothschild.com](mailto:jpraetzellis@foxrothschild.com).

18 **Any objection to the requested relief, or a request for hearing on the matter, must be  
19 filed and served upon the initiating party within 21 days of mailing the notice.**

20 **Any objection or request for a hearing must be accompanied by any declarations or  
21 memoranda of law any requesting party wishes to present in support of its position. If there is  
22 no timely objection to the requested relief or a request for hearing, the Court may enter an  
23 order granting the relief by default.**

24 **In the event of a timely objection or request for hearing, the initiating party will give at  
25 least seven days written notice of the hearing to the objecting or requesting party, and to any  
26 trustee or committee appointed in the case.**

27 WHEREFORE, the Trustee requests entry of an order, in substantially the form attached as  
28 Exhibit B to the Motion, authorizing the relief sought above, including compromising the claims on  
the terms and conditions set forth in the Motion and the Settlement Agreement attached as Exhibit A  
to the Motion.

Dated: September 22, 2022

**FOX ROTHSCHILD LLP**

By /s/ Jack Praetzellis

Michael A. Sweet

Jack Praetzellis

Attorneys for Richard Marshack, Trustee

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 900, Los Angeles, CA 90067.

A true and correct copy of the foregoing document entitled: **NOTICE AND OPPORTUNITY FOR HEARING ON MOTION TO APPROVE COMPROMISE WITH OWNERS OF 18500 AND 18520 MARSHALL LANE, SARATOGA, CA** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On September 22, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

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2. **SERVED BY UNITED STATES MAIL**: On September 22, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

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2 901 Loyola Drive  
3 Los Altos, CA 94024

4 Gena Hunter and 18500 Marshall LN LLC  
5 5150 El Camino Real, Suite E20  
6 Los Altos CA 94022

7 T Properties LLC  
8 1525 Miramonte Ave, Suite 3892  
9 Los Altos, CA 94024

10 \*See attached service list for additional parties served by U.S mail

11 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION**  
12 **OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling  
13 LBR, on N/A, I served the following persons and/or entities by personal delivery, overnight mail service, or  
14 (for those who consented in writing to such service method), by facsimile transmission and/or email as  
15 follows. *Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the*  
16 *judge will be completed no later than 24 hours after the document is filed.*

17 I declare under penalty of perjury under the laws of the United States that the foregoing is true and  
18 correct.

19 September 22, 2022      Kimberly Hoang      /s/ Kimberly Hoang  
20 *Date*      *Printed Name*      *Signature*

Label Matrix for local noticing  
0971-5  
Case 21-51255  
California Northern Bankruptcy Court  
San Jose  
Thu Sep 22 18:31:55 PDT 2022

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

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U.S. Attorney  
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Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

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Bypassed recipients 21  
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